

**REMARKS**

**Status of the Claims.**

Claims 1, 17, 18, 22-34, 116, and 117 are pending with entry of this amendment, claims 2-16, 19-21, 35-115, and 118 being cancelled and no claims being added herein. Claims 1, 17, 18, 22-27, 29-34, and 116 are amended herein. These amendments introduce no new matter. Support is replete throughout the specification (*e.g.*, in the claims as originally filed, in paragraph 0009 at page 3, and the like).

**Information Disclosure Statement.**

A supplemental Information Disclosure Statement (IDS) is provided herewith. The references cited on accompanying form PTO-1449 are being called to the attention of the Examiner. Copies of the references are enclosed. It is respectfully requested that the cited information be expressly considered during the prosecution of this application and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

No inference should be made that the information and references cited are prior art merely because they are in this statement and no representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

**35 U.S.C. §112.**

In a PowerPoint presentation by Larry R. Helms the customer partnership meeting of the biotechnology, chemical, and pharmaceuticals technology groups on June 13, 2007, it was stated that claims of the form:

Claim 1. An isolated antibody that binds to human antigen X, said antibody comprises a heavy chain variable domain comprising SEQ ID NO:1. (see Powerpoint presentation Example 2)

Claim 2. An isolated antibody that binds to human antigen X, said antibody comprises a light chain variable domain comprising SEQ ID NO:2. (see Powerpoint presentation Example 2)

and

Claim: An isolated antibody that binds to human antigen X, said antibody comprises a heavy chain variable domain comprising the 3 CDRs in SEQ ID NO:1 and a light chain variable domain comprising the 3 CDRs in SEQ ID NO:2. (see Powerpoint presentation Example 1)

meet the requirements of 35 U.S.C. §112. Claims 1 and 17, as amended herein correspond in form to Claim 1 and Claim 2 of Powerpoint Example 2 (above), while claim 18, as amended herein corresponds in form to the claim of Example 1 in the Powerpoint presentation. Accordingly, Applicants believe independent claims 1, 17, and 18, presented herein are of allowable scope and form.

### **Priority Date.**

The presently pending claim 1, 17, 18, and 23-28 are directed to isolated antibodies comprising the VH CDRs that have the amino acid sequence of VH CDR1 (SEQ ID NO:87), VH CDR2 (SEQ ID NO:89), and VH CDR3 (SEQ ID NO:127), the VL CDRs that have the amino acid sequence of VL CDR1 (SEQ ID NO:157), VL CDR2 (SEQ ID NO:159), and VL CDR3 (SEQ ID NO:197), or all of these CDRs.

These CDR sequences are identical to the sequences of the C25 antibody CDRs (compare C25 CDRs of Table 4 on page 57 with huC25 CDRs in Table 11 on page 85).

Moreover, the priority application USSN 08/144,886, filed on 08/31/1998, discloses the C25 antibody including its sequence (*see, e.g.*, Table 4 on page 54). Thus, the 08/144,886 application discloses an antibody comprising the three VH CDRs, the three VL CDRs, or all six CDRs, as recited in claims 1, 17, 18, and 23-28. Accordingly, these claims are entitled to the August 31, 1998 priority date of USSN 08/144,886.

### **35 U.S.C. §102.**

Claims 1, 8, 24, 25-57, 97, and 104 were rejected under 35 U.S.C. §102(b) as allegedly anticipated by Amersdorfer *et al.* (1997) *Infection and Immunity* 65(9): 3743-3752. Claims 1, 8, 24, 25-57, 97, and 104 were rejected under 35 U.S.C. §102(b) as allegedly anticipated by Chen *et al.* (1997) *Infection and Immunity*, 65(5): 1626-1630. Claims 1, 8, 17-22, 29-46, 50-57, 97, 104, and 113-117 were rejected under 35 U.S.C. §102(b) as allegedly anticipated by Amersdorfer *et al.* (2002) *Vaccine*, 20: 1640-1648, or Mullaney *et al.* (2001) *Infection and Immunity*, 69(10): 6511-

6514. Claims 1, 8, 17-22, 29-46, 50-57, 97, 104, and 113-117 were rejected under 35 U.S.C. §102(b) as allegedly anticipated by Baravi *et al.* (2002) *Vaccine*, 20: 1640-1648. Applicants traverse.

**Claims 1, 17, 18, and 23-28.**

As explained above claims 1, 17, 18, and 23-28 are entitled to the August 31, 1998 filing date of the USSN 08/144,886 application. Amersdorfer *et al.* (1997) was published in September 1997, while Chen *et al.* (1997) was published in May 1997. Thus, neither reference is prior art under 35 U.S.C. §102(b) against claims 1, 17, 18, and 23-28.

Similarly, Amersdorfer *et al.* (2002), Mullaney *et al.* (2001), and Baravi *et al.* (2002) were all published after the August 31, 1998 priority date and are unavailable as prior art against claims 1, 17, 18, and 23-28.

For similar reasons, the cited references are ineffective prior art against claims 116 and 117.

Accordingly the rejection of claims 1, 17, 18, 23-28, and 116-117 on these grounds should be withdrawn.

**Claims 29-34.**

Claims 29-34 are all directed to antibodies that incorporate specific framework amino acid sequences of the huC25 antibody. **The cited references fail to disclose an antibody that comprises the specific amino acid sequences of the huC25 antibody as recited in claims 29-34.** For example, Amersdorfer (1997) shows the VH and VL sequences of the C25 antibody (see, e.g., Table 4). However, every framework region of C25 differs in amino acid sequence from the corresponding framework region of huC25 (compare, for example, Table 4 and Table 11 in the present application). Accordingly the cited references do not disclose the antibodies of claims 29-34, and the rejection of these claims under 35 U.S.C. §102 should be withdrawn.

In view of the foregoing, Applicants believe all claims now pending in this application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested. Should the Examiner seek to maintain the rejections, Applicants request a telephone interview with the Examiner and the Examiner's supervisor.

If a telephone conference would expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (510) 267-4161.

BEYER WEAVER LLP  
500 12TH STREET, SUITE 200  
OAKLAND, CA 94607  
TEL: (510) 663-1100  
FAX: (510) 663-0920

Respectfully submitted,  
/Tom Hunter/  
Tom Hunter  
Reg. No: 38,498

c:\toms work\prosecution - current\407t uc ott\407t-895120us bonta ab\407t-895120us.am3.doc